

REMARKS

Claims 1-30, 32-33, and 35-40 are pending. Claims 1, 10, 17, 21, 27, 32, 33, 36, 38, and 40 are independent.

In the action mailed February 27, 2006, claims 1, 27, 36, 38, and 40 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In particular, the rejection contends that claims 1, 27, 36, 38 and 40 are indefinite for not specifying whether the generation of a fragment occurs whenever a data packet is transmitted along the path.

Applicant respectfully disagrees. Claims are definite when they apprise one of ordinary skill in the art of their scope and provide a clear measure of what Applicant's regard as the invention. The present claims are understood to clearly meet these requirements. For example, claim 1 recites that a data packet is sent along a path and that fragment packets are generated from the data packet along the path. The fact that claim 1 does not specify whether this happens whenever a data packet is transmitted along the path does not render claim 1 indefinite. Rather, the scopes of claim 1, along with claims 27, 36, 38 and 40, are clear to one of ordinary skill in the art.

If the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language can be determined.

Claim 10 was rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In particular, the rejection contends that claim 10 is indefinite for reciting that a maximum packet data size is determined without a comparison.

Attention is respectfully directed to page 5, line 1-5 of the specification where such a determination without a comparison is made.

Accordingly, Applicant submits that claim 10 clearly and distinctly apprises one of ordinary skill in the art of its scope and provides a clear measure of what Applicant's regard as the invention. Accordingly, Applicant requests that the rejection of claim 10 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claims 17 and 21 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In particular, the rejection contends that claims 17 and 21 are indefinite for not specifying whether the generation of a fragment occurs whenever a data packet or a data message is transmitted along the path.

Applicant respectfully disagrees. Claims 17 and 21 are understood to apprise one of ordinary skill in the art of their scope and provide a clear measure of what Applicant's regard as the invention. For example, claim 17 recites that a data message is sent along a network path from a sending point to a receiving point and that the size of at least a fragment of the data message is determined at the receiving point. The fact that claim 17 does not specify whether this happens whenever a data message is transmitted along the path does not render claim 17 indefinite. Rather, the scopes of claim 17 and 21 are clear to one of ordinary skill in the art.

Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,751, 234 to Ono (hereinafter "Ono").

Claim 1 relates to a method that includes sending a data packet along a path from a first network point to a second network point, along the path, generating fragment packets from the data packet, analyzing the size of at least one of the fragment packets relative to a maximum packet size, and depending on a result of the analysis, re-setting the maximum packet size based on the size of the at least one of the fragment packets.

Applicant respectfully disagrees with this rejection and submits that Ono neither describes nor suggests analysis of the size of at least one fragment packet and re-setting the maximum packet size based on this size, as recited in claim 1. .

In this regard, Ono relates to a system in which the controller of a first layer (i.e., Ono's radio protocol) informs the controller of other layers (e.g., Ono's IP layer and TCP layer) about the size of data transmissions in the first layer. This is described at several locations throughout Ono. For example, col. 5, line 20-26 of Ono states that:

"A radio packet control interface 204 discloses information of radio packet transmission and reception processing control to other modules, which is conducted in a radio packet transmission and reception controlling section 201. Also, a service for indirectly controlling radio packet transmission and reception control is provided through this radio packet control interface 204."

The controllers of the other layers can use this information to control the maximum size of a transmissions in those layers. For example, col. 5, line 27-29 of Ono states that:

"An IP packet transmission and reception controlling section 301 acquires a current radio packet transmission size through the radio packet control interface 204 ... and controls a maximum size (MTU) of a transmitted IP packet."

As another example, col. 5, line 32-36 of Ono states that:

"A TCP segment transmission and reception controlling section 401 acquires a current radio packet transmission size through the radio packet control interface 204 ... and controls a maximum size (MSS) of a transmitted TCP segment."

From these and other sections of Ono, it is clear that the size of transmissions is controlled by control interface 204 conveying information to controlling sections 301, 401.

In contrast, claim 1 recites the size of at least one of the fragment packets is analyzed relative to a maximum packet size. Since the size of Ono's transmissions is controlled based on information conveyed from control interface 204, Ono neither describes nor suggests the analysis recited in claim 1. Further, given that the analysis is absent, Ono neither describes nor suggests re-setting a maximum packet size based on the size that results from such an analysis.

Accordingly, claim 1 is not anticipated by Ono. Applicant thus requests that the rejections of claim 1 and the claims dependent therefrom be withdrawn.

Claim 10

Claim 10 was rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

As amended, claim 10 relates to a method that includes determining, at a receiving point, a size of a data packet transmitted over a network path from a sending point to the receiving point and resetting a maximum data packet size of the network path from the sending point to the receiving point based on the determined size of the data packet transmitted over the network path.

Ono neither describes nor suggests that the size of a data packet transmitted over a network path is determined at a receiving point or that the maximum data packet size of the network path is reset based on the determined size, as recited in claim 10.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Ono thus neither describes nor suggests that the size of a data packet transmitted over a network path is determined, as recited in claim 10. Further, given that the size determination is absent, Ono neither describes nor suggests resetting the maximum data packet size of the network path based on the determined size.

Accordingly, claim 10 is not anticipated by Ono. Applicant thus requests that the rejections of claim 10 and the claims dependent therefrom be withdrawn.

Claim 17

Claim 17 was rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

Claim 17 relates to a method that includes sending a data message along a network path from a sending point to a receiving point, determining the size of at least a fragment of the data message at the receiving point, and based on the determination, adjusting a maximum packet size between sending and receiving points.

Ono neither describes nor suggests determining the size of at least a fragment of a data message, and based on the determination, adjusting a maximum packet size, as recited in claim 17.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Ono thus neither describes nor suggests that the size of at least a fragment of a data message is determined, as recited in claim 17. Further, given that the size determination is absent, Ono neither describes nor suggests adjusting a maximum packet size based on the ation.

Accordingly, claim 17 is not anticipated by Ono. Applicant thus requests that the rejections of claim 17 and the claims dependent therefrom be withdrawn.

Claim 21

Claim 21 was rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

Claim 21 relates to a method for determining a maximum packet size of a network path. The method includes sending a data packet along the network path to a receiving node, receiving a response from the receiving node, and setting the maximum packet size of the network path based on the response. The response from the receiving node includes information determined based on a size of a fragment of the data packet. The fragment was formed along the network path.

Ono neither describes nor suggests receiving a response from a receiving node of a data packet or setting the maximum packet size of the network based on such a response, as recited in claim 21.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Control interface 204 is not a receiving node but rather a control interface. Further, given that no message is received from a receiving node, Ono neither describes nor suggests setting the maximum packet size of the network based on such a response.

Accordingly, claim 21 is not anticipated by Ono. Applicant thus requests that the rejections of claim 21 and the claims dependent therefrom be withdrawn.

Claim 27

Claim 27 was rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

Claim 27 relates to a method that includes sending a data packet on a path from a first network point to a second network point, along the path, generating fragment packets from the data packet, and analyzing a size of at least one of the fragment packets to determine a path maximum packet size.

Ono neither describes nor suggests analyzing a size of at least one of the fragment packets to determine a path maximum packet size, as recited in claim 27.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Ono thus neither describes nor suggests that a size of at least one of the fragment packets is analyzed to determine a path maximum packet size, as recited in claim 27.

Accordingly, claim 27 is not anticipated by Ono. Applicant thus requests that the rejections of claim 27 and the claims dependent therefrom be withdrawn.

Claim 32

Claim 32 was rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

Claim 32 relates to a method that includes sending a data packet along a network path, fragmenting the packet into fragments, and analyzing the size of one or more of the fragments to determine the maximum packet size of the path. The data packet is larger than the maximum packet size of the network path.

Ono neither describes nor suggests analyzing the size of one or more fragments to determine the maximum packet size of the path, as recited in claim 32.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Ono thus neither describes nor suggests that the size of one or more fragments is analyzed to determine the maximum packet size of the path, as recited in claim 32.

Accordingly, claim 32 is not anticipated by Ono. Applicant thus requests that the rejections of claim 32 and the claims dependent therefrom be withdrawn.

Claim 33

Claim 33 was rejected under 35 U.S.C. § 102(e) as anticipated by Block.

Claim 33 relates to a method that includes sending a message along a network path, fragmenting the message into fragments, at a receiving point, measuring the size of the largest fragment, and communicating the size of the largest fragment to a sending point. The path includes sections, each having a maximum message size to limit the size of messages passing through it. The message is larger than the smallest maximum message size of the sections. The fragments are at least as small as the smallest maximum message size.

Ono neither describes nor suggests measuring the size of a largest fragment of a message sent along a network path at a receiving point or communicating the measured size of the largest fragment to a sending point, as recited in claim 33.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Control interface 204 is not a receiving point, nor does it measure the size of a largest fragment. Rather, control interface 204 appears simply to convey radio packet transmission and reception processing control information to other modules. Moreover, since control interface 204 does not measure the size of a largest fragment,

it cannot communicate such a size to a sending point, as recited in claim 33.

Accordingly, claim 33 is not anticipated by Ono. Applicant thus requests that the rejections of claim 33 and the claims dependent therefrom be withdrawn.

Claims 36 and 38

Claims 36 and 38 were rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

Claim 36 relates to a computer program embodied in a computer readable medium. Claim 38 relates to a computer program embodied in a carrier wave. The programs of claims 36 and 38 are capable of configuring a computer to send a data packet along a path from a first network point to a second network point, along the path, generate fragment packets from the data packet, analyze the size of at least one of the fragment packets, and depending on a result of the analysis, re-set a maximum packet size based on the size of the one of the fragment packets.

Ono neither describes nor suggests analysis of a size of at least one fragment packet and re-set of a maximum packet size based on the size, as recited in claims 36 and 38.

In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Ono thus neither describes nor suggests analysis of the size of at least one of the fragment packets, as recited in claims 36 and 38. Further, given that the size analysis is absent, Ono neither describes nor suggests the re-set of a maximum packet size based on the size of the one of the fragment packets.

Accordingly, claims 36 and 38 are not anticipated by Ono. Applicant thus requests that the rejections of claims 36, 38, and the claims dependent therefrom be withdrawn.

Claim 40

Claim 40 was rejected under 35 U.S.C. § 102(e) as anticipated by Ono.

Claim 40 relates to a medium bearing intelligence configured to enable a machine to effect actions. The actions include sending a data packet along a path from a first network point to a second network point, along the path, generating fragment packets from the data packet, analyzing the size of at least one of the fragment packets, and depending on a result of the analysis, re-setting a maximum packet size based on the size of the one of the fragment packets.

Ono neither describes nor suggests analyzing the size of at least one fragment packet, and depending on a result of the analysis, re-setting a maximum packet size based on the size of the one of the fragment packets, as recited in claim 40.

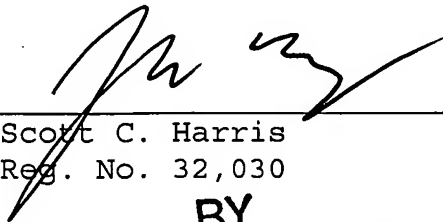
In this regard, as discussed above, the size of Ono's IP and TCP transmissions is controlled based on information conveyed from control interface 204. Ono thus neither describes nor suggests analysis of the size of at least one fragment packet, as recited in claim 40. Further, given that the size analysis is absent, Ono neither describes nor suggests re-setting a maximum packet size based on such a size.

Accordingly, claim 40 is not anticipated by Ono. Applicant thus requests that the rejections of claim 40 and the claims dependent therefrom be withdrawn.

Applicant asks that all claims be allowed. No fees are believed due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

BY
JOHN F. CONROY
REG. NO. 45,485

SCH/JFC/jhg
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